

The Commonwealth of Massachusetts

JOURNAL OF THE HOUSE.



WEDNESDAY, FEBRUARY 16, 2022.

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JOURNAL OF THE HOUSE.

Wednesday, February 16, 2022.

Met according to adjournment at eleven o'clock A.M., pursuant to emergency rules, with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

At the request of the Chair (Mr. Donato), the members and employees joined with him in reciting the pledge of allegiance to the flag.

Pledge of
allegiance.

Silent Tribute..

During the session, the Speaker took the Chair, declared a brief recess, and at the request of Mr. Vitolo of Brookline, the members and employees stood in a moment of silent tribute in respect to the memory of Avram Jacob Goldberg of Brookline, longtime leader of Stop & Shop Supermarkets and beloved father of Massachusetts State Treasurer Deborah Goldberg.

Avram
Goldberg.

Avram Goldberg passed away on January 30, 2022, at the age of 92. Born in Brookline on January 26, 1930, he received his education in Massachusetts, graduating from Boston Latin School, Harvard College, and Harvard Law School.

Avram worked part-time at Stop & Shop during college and law school and joined his father-in-law at the company years later. Avram rose through the ranks, becoming Chairman of the Board while his wife, Carol Rabb, became President of the company. Avram viewed his wife as his co-equal and, together, they navigated the company through years of growth and success. They received many awards and acknowledgments over the years, including the Sidney R. Rabb Award from the Food Industry Association for excellence in serving the consumer, the community, and the industry.

Avram was a bright presence with a passion for serving his community. In addition to his widespread philanthropic contributions, Avram was committed to Jewish causes, founding a Jewish precursor to Big Brother Big Sister, and serving as a leader at Congregation Kehillath Israel, where his family attended synagogue for six generations. He is survived by his beloved wife of 73 years, Carol Goldberg, and his two children, Treasurer Deborah Goldberg and her husband Michael Winter, and Joshua Goldberg and his life partner, Sarah Key. He was also the loving grandfather to Evan and Meredith Winter. He will be greatly missed by the community of Brookline and by all who knew him.

Resolutions.

Resolutions (filed with the Clerk by Mr. Walsh of Peabody) congratulating Joaquin Colon on receiving the Eagle Award of the Boy Scouts of America, were referred under Rule 85, to the committee on Rules.

Joaquin
Colon.

Mr. Galvin of Canton, for said committee, reported that the resolutions ought to be adopted. Under suspension of the rules, on motion of Mr. Walsh of Peabody, the

resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Petitions.

Petitions severally were presented and referred as follows:

By Mr. Diggs of Barnstable, a petition (subject to Joint Rule 12) of Kip A. Diggs (with the approval of the county commissioners) that Jacob M. White be authorized to purchase creditable service from the Barnstable county retirement board.

Jacob White,—
creditable
service.

By Ms. Peake of Provincetown, a petition (subject to Joint Rule 12) of Sarah K. Peake (with the approval of the county commissioners) that Adrian Peters be authorized to purchase creditable service from the Barnstable county retirement board.

Adrian Peters,—
creditable
service.

Severally, under Rule 24, to the committee on Rules.

Paper from the Senate.

A petition of Mark C. Montigny for legislation to establish a sick leave bank for Kim Souza, an employee of the Trial Court, came the Senate referred, under suspension of Joint Rule 12, to the committee on the Judiciary.

Kim Souza,—
sick leave.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2702) was referred, in concurrence, to the committee on the Judiciary.

Reports of Committees.

By Mr. Galvin of Canton, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the following petitions:

Petition (accompanied by bill) of William C. Galvin and Walter F. Timilty for legislation to regulate certain requirements of Revere and Son Heritage Trust Corporation. To the committee on Municipalities and Regional Government.

Revere and Son
Heritage Trust
Corporation.

Petition (accompanied by bill) of Kay Khan and Lindsay N. Sabadosa relative to the electrification of new and substantially remodeled or rehabilitated buildings. To the committee on Telecommunications, Utilities and Energy.

Buildings,—
electrification.

Under suspension of the rules, on motion of Mr. Galvin, the reports were considered forthwith. Joint Rule 12 then was suspended, in each instance. Severally sent to the Senate for concurrence.

By Mr. Honan of Boston, for the committee on Steering, Policy and Scheduling, that the following bills be scheduled for consideration of the House:

The Senate Bill establishing a sick leave bank for Alecia Simmons, an employee of the Office of the Comptroller (Senate, No. 2654); and

Alecia
Simmons.

The House Bill to define clinical social work practice (House, No. 2384);

Social work.

Under suspension of Rule 7A, in each instance, on motion of the same member, the bills severally were read a second time forthwith; and they were ordered to a third reading.

By Ms. Decker of Cambridge, for the committee on Public Health, on Senate, No. 1374, a Bill relative to dentistry licensure examinations (House, No. 4464).

Dentistry,—
license exams.

By the same member, for the same committee, on Senate, No. 1465, a Bill to reduce healthcare costs by promoting non-biased prescriber education (House, No. 4465).

Prescriber education.

By the same member, for the same committee, on Senate, No. 1487, a Bill relative to hormonal contraceptives (House, No. 4466).

Hormonal contraceptives.

By the same member, for the same committee, on House, No. 2390, a Bill promoting radon testing (House, No. 4467).

Radon testing.

Severally referred, under Joint Rule 1E, to the committee on Health Care Financing.

By Ms. Fiola of Fall River, for the committee on Tourism, Arts and Cultural Development, on a petition, a Bill relative to the Millicent Library in the town of Fairhaven (House, No. 3386, changed in section 1, in line 3, by striking out the date: “June 30, 2021” and inserting in place thereof the date: “December 31, 2022”). Read; and referred, under Rule 33, to the committee on Ways and Means.

Fairhaven,—
Millicent
Library.

Motion to Discharge a Certain Matter in the Orders of the Day.

The House Bill establishing a sick leave bank for John Coleman, an employee of the Department of Correction (House, No. 4318), reported by the committee on Bills in the Third Reading to be correctly drawn, was discharged from its position in the Orders of the Day and read a third time forthwith, under suspension of Rule 47, on motion of Mr. Holmes of Boston; and it was passed to be engrossed. Sent to the Senate for concurrence.

John
Coleman,—
sick leave.

Recess.

At eight minutes after eleven o'clock A.M., on motion of Mr. Wong of Saugus (Mr. Donato of Medford being in the Chair), the House recessed until the hour of one o'clock P.M.; and at twenty-five minutes before two o'clock, the House was called to order with the Ms. Hogan of Stow in the Chair.

Recess.

Quorum.

As required under the provision of Emergency Rule 2(4), a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call (the Speaker being in the Chair) 156 members were recorded as being in attendance.

Quorum,—
yea and nay
No. 144.

[See [Yea and Nay No. 144](#) in Supplement.]

Therefore a quorum was present.

Valedictory Address.

There being no objection, former Representative Sheila C. Harrington of Groton addressed the House regarding her recent departure from service in the House of Representatives.

Valedictory address.

Orders of the Day.

The House Bill relative to work and family mobility (House, No. 4461), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Drivers'
licenses.

After debate on the question on passing the bill to be engrossed, Mr. Jones of North Reading and other members of the House then moved to amend it in section 7, in line 66, by adding the following sentence: "Said regulations shall, at a minimum, require the registrar of motor vehicles to provide information on the holder of a Massachusetts license to any city or town clerk seeking to verify the identity and eligibility of any individual using a Massachusetts license to vote or to register to vote."

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Jones of North Reading; and on the roll call 31 members voted in the affirmative and 125 in the negative.

Amendment
rejected,—
yea and nay
No. 145.

[See [Yea and Nay No. 145](#) in Supplement.]

Therefore the amendment was rejected.

Mr. Jones of North Reading, et al then moved to amend the bill in section 7, in line 66, by adding the following sentence:

"Said regulations shall, at a minimum, require the registrar of motor vehicles to provide information on the holder of a Massachusetts license in response to a request from any state law enforcement agency pursuant to an investigation."

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Jones of North Reading; and on the roll call 31 members voted in the affirmative and 125 in the negative.

Amendment
rejected,—
yea and nay
No. 146.

[See [Yea and Nay No. 146](#) in Supplement.]

Therefore the amendment was rejected.

Mr. Dooley of Norfolk then moved to amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

"SECTION 1. The nineteenth paragraph of section 8 of chapter 90 of the General Laws, as most recently amended by section 1 of chapter 172 of the acts of 2016, is hereby further amended by inserting after the word 'states', the second time it appears, the following words:— ; provided, however, that such person may be issued a driver privilege card pursuant to section 8N.

SECTION 2. Said chapter 90 of the General Laws is hereby amended by inserting after section 8M the following section:—

Section 8N. (a) For the purposes of this chapter, a 'driver privilege card' shall be defined as a permit obtainable by non-citizen, undocumented residents of the commonwealth that authorizes the owner of the card to legally operate a motor vehicle on the roadways of the commonwealth, subject to the restrictions of this section.

(b) A driver privilege card shall:

(i) not be used for the purpose of government identification;

(ii) be clearly marked with the words 'For driving privileges only-not valid for identification' in a design prescribed by the registrar of motor vehicles, hereinafter the registrar; and

(iii) have a different background color than the Massachusetts operator's license.

The registrar may impose any and all security measures necessary for the purpose of preventing any alteration of the card.

(c) Any non-citizen, undocumented resident of the commonwealth may apply to the registrar to obtain a driver privilege card; provided, however, that: (i) no person who has previously held a driver privilege card and whose card is not in force because of revocation or suspension, or whose right to operate is suspended by the registrar,

(ii) no person under 18 years of age, and (iii) no person who has been convicted of a felony in the United States shall be issued a driver privilege card.

(d) The registrar shall promulgate regulations establishing requirements for qualification examinations, including driving examinations, for persons applying for a driver privilege card. Applicants for a driver privilege card shall complete and pass any qualification examinations as prescribed by the registrar prior to issuance of the card. The registrar may deny any applicant a driver privilege card; provided, however, that a denial is not made based on the age of the applicant, except if an applicant is less than 18 years of age. The registrar may issue a driver privilege card upon the satisfactory completion of the requirements established pursuant to this section and the regulations promulgated by the registrar.

(e) Applications shall be made upon a form furnished by the registrar. The applicant shall pay a fee for application for an appointment for examination pursuant to paragraph (23a) of section 33 at the time of examination. The registrar may authorize an applicant to take an examination without payment of an additional fee when the applicant is unable to take the examination at the time originally scheduled. Applicants shall not take more than 6 driving examinations within a 12 month period.

(f) The applicant shall be required to complete a driver education and training course. The driver education and training course shall consist of: (i) not less than 30 hours of classroom instruction, (ii) not less than 18 hours of on-road instruction conducted by a certified driver education instructor in a motor vehicle, and (iii) a module on the science related to addiction and addictive substances which shall also include the impact of psychoactive substances on the brain and the effect of such substances on a person while operating a motor vehicle. To meet the supervised driving requirements, a student shall complete at least 6 hours of observing another student driver and at least 12 hours of operating a motor vehicle. No student shall have more than 1 on-road session per day and no session shall be for more than 2 hours in length. The registrar shall promulgate rules and regulations to establish and provide the driver education and training courses and to enforce compliance with the supervised driver requirements.

(g) An applicant shall submit the following documents to the registrar at the time of application:

(i) proof of a history of gainful employment in the United States and the commonwealth;

(ii) proof that the applicant has completed: (A) a driver education and training course, including a module on the science related to addiction and addictive substances which shall also include the impact of psychoactive substances on the brain and the effect of such substances on a person while operating a motor vehicle, and (B) the required hours of supervised driving, presented in such form as the registrar may require;

(iii) proof that all federal and state taxes have been paid;

(iv) proof of name, date, and place of birth via a valid foreign passport, valid consular identification document, or a certified birth, marriage, adoption, or divorce certificate; proof of Massachusetts residency for a minimum of 5 years via a home utility bill, college or university document, selective service card, car title, bank issued documents, individual tax identification number, school transcript, or other satisfactory evidence as the registrar may require.

If the registrar has reasonable cause to suspect that any document presented by an applicant as proof of identity or age has been altered, falsified or otherwise invalidated, the registrar shall refuse to grant the driver privilege card until the

applicant provides the registrar with proof, satisfactory to the registrar, of their identity.

(h) For the first year following the initial issuance of the driver privilege card, the following rules and restrictions shall apply:

(i) the driver shall not operate a motor vehicle between the hours of 12 a.m. and 5 a.m.; and

(ii) the driver shall not operate a motor vehicle upon any way except when accompanied by an operator, duly licensed to operate a motor vehicle by his or her state of residence, who is 21 years of age or over, who has had at least 1 year of driving experience, and who is occupying a seat beside the driver.

The owner of a driver privilege card who violates this subsection shall be deemed to be operating a motor vehicle without being duly licensed or permitted to do so, and in addition to any fine or penalty, shall have his or her driver privilege card suspended for 60 days for a first offense, for 6 months for a second offense and for 1 year for a third and subsequent offenses.

(i) As long as a person remains a non-citizen, undocumented resident of the commonwealth and is in possession of a driver privilege card, their minimum motor vehicle insurance coverage to maintain the validity of their driver privilege card shall be as follows:

(i) Bodily injury to others – \$200,000 per person and \$400,000 per accident;

(ii) Personal injury protection – \$80,000 per person and per accident;

(iii) Bodily injury caused by uninsured auto – \$200,000 per person and \$400,000 per accident;

(iv) Damage to someone else's property – \$50,000 per accident.

(j) A driver privilege card shall not authorize the owner of said card to vote in any local, state or federal election. The registrar, in conjunction with the secretary of the commonwealth, shall develop safeguards to prevent the accidental registration of non-eligible individuals. Any person who violates this subsection and attempts to register to vote or votes in any local, state or federal election shall become permanently ineligible to hold a driver privilege card and subject to prosecution for illegal registration and illegal voting pursuant to chapter 56.

SECTION 2. Section 33 of said chapter 90, as appearing in the 2014 Official Edition, is hereby amended by inserting after subsection (21) the following subsection:—

(21a) For each driver privilege card or for the renewal thereof; provided, that said fee shall be collected upon the initial issuance of a card, and shall be collected at least once every year upon the renewal date of said card from every issuer.

SECTION 3. Said section 33 of said chapter 90, as so appearing, is hereby amended by inserting after paragraph 23 the following paragraph:—

(23a) For each application for an appointment for an examination for a driver privilege card. The registrar, for reasons they deem sufficient, may authorize an applicant to be examined without payment of an additional fee when the applicant has been unable to take the examination at the time originally scheduled.

SECTION 4. The registrar of motor vehicles may promulgate rules and regulations as necessary to carry out the provisions of this act.”.

After remarks the amendment was rejected.

Mr. Cahill of Lynn then moved to amend the bill in section 7, in line 58, by inserting after the word “general” the following: “; provided, that information maintained by the motor vehicle insurance merit rating board pursuant to section 57A of chapter 6C of the General Laws may be disseminated for motor vehicle insurance purposes; and provided further, that any information disseminated for motor vehicle

insurance purposes shall remain confidential and be used solely for the purpose of motor vehicle insurance”; and in line 66, by inserting after the word “general” the following: “; provided, that information maintained by the motor vehicle insurance merit rating board pursuant to said section 57A of said chapter 6C may be disseminated for motor vehicle insurance purposes; and provided further, that any information disseminated for motor vehicle insurance purposes shall remain confidential and be used solely for the purpose of motor vehicle insurance.”.

The amendments were adopted.

Mr. Moran of Lawrence then moved to amend the bill in section 5, in lines 26 and 27, by striking out the words “at least”; and in line 31 ,by striking out the words “in Massachusetts” and inserting in place thereof the words “by any state or territory of the United States”; and the amendments were adopted.

Mr. Michlewitz of Boston then moved to amend the bill in section 1, in line 11, by striking out the words “or renewal of a motor vehicle” and inserting in place thereof the words “of a motor vehicle, or a renewal thereof.”. The amendment was adopted.

On the question on passing the bill, as amended, to be engrossed, the sense of the House was taken by yeas and nays at the request of Mr. Straus of Mattapoissett; and on the roll call 120 members voted in the affirmative and 36 in the negative.

[See [Yea and Nay No. 147](#) in Supplement.]

Therefore the bill (House, No. 4470, published as amended) was passed to be engrossed. Sent to the Senate for concurrence.

Bill passed to
be engrossed,—
yea and nay
No. 147.

Engrossed Bill — Land Taking.

The engrossed Bill authorizing the conveyance of a conservation restriction on the land known as Inter Lochen park in the town of Sharon (see House, No. 3867) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 156 members voted in the affirmative and 0 in the negative.

[See [Yea and Nay No. 148](#) in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the Speaker and sent to the Senate.

Sharon,—
land.

Bill enacted
(land taking),—
yea and nay
No. 148.

Order.

On motion of Mr. Michlewitz of Boston,—

Ordered, That when the House adjourns today, it adjourn to tomorrow at eleven o'clock A.M.

Next
sitting.

At five minutes before five o'clock P.M., on motion of Mr. Jones of North Reading (the Speaker being in the Chair), the House adjourned, to meet the following day at eleven o'clock A.M., in an Informal Session.